

Introduced by Senator Aanestad

February 22, 2005

An act to amend Section 1250 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 666, as introduced, Aanestad. Congregate living health facilities.

Existing law provides for the licensure and regulation of health facilities, including congregate living health facilities, by the State Department of Health Services. A congregate living health facility is a residential home that provides inpatient care, which includes specific basic services, and that is limited, with certain exceptions, to a capacity of no more than 6 beds.

This bill would increase the capacity of a congregate living health facility to no more than 15 beds, with certain exceptions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1250 of the Health and Safety Code is
- 2 amended to read:
- 3 1250. As used in this chapter, "health facility" means any
- 4 facility, place, or building that is organized, maintained, and
- 5 operated for the diagnosis, care, prevention, and treatment of
- 6 human illness, physical or mental, including convalescence and
- 7 rehabilitation and including care during and after pregnancy, or
- 8 for any one or more of these purposes, for one or more persons,

1 to which the persons are admitted for a 24-hour stay or longer,
2 and includes the following types:

3 (a) “General acute care hospital” means a health facility
4 having a duly constituted governing body with overall
5 administrative and professional responsibility and an organized
6 medical staff that provides 24-hour inpatient care, including the
7 following basic services: medical, nursing, surgical, anesthesia,
8 laboratory, radiology, pharmacy, and dietary services. A general
9 acute care hospital may include more than one physical plant
10 maintained and operated on separate premises as provided in
11 Section 1250.8. A general acute care hospital that exclusively
12 provides acute medical rehabilitation center services, including at
13 least physical therapy, occupational therapy, and speech therapy,
14 may provide for the required surgical and anesthesia services
15 through a contract with another acute care hospital. In addition, a
16 general acute care hospital that, on July 1, 1983, provided
17 required surgical and anesthesia services through a contract or
18 agreement with another acute care hospital may continue to
19 provide these surgical and anesthesia services through a contract
20 or agreement with an acute care hospital.

21 A “general acute care hospital” includes a “rural general acute
22 care hospital.” However, a “rural general acute care hospital”
23 shall not be required by the department to provide surgery and
24 anesthesia services. A “rural general acute care hospital” shall
25 meet either of the following conditions:

26 (1) The hospital meets criteria for designation within peer
27 group six or eight, as defined in the report entitled Hospital Peer
28 Grouping for Efficiency Comparison, dated December 20, 1982.

29 (2) The hospital meets the criteria for designation within peer
30 group five or seven, as defined in the report entitled Hospital
31 Peer Grouping for Efficiency Comparison, dated December 20,
32 1982, and has no more than 76 acute care beds and is located in a
33 census dwelling place of 15,000 or less population according to
34 the 1980 federal census.

35 (b) “Acute psychiatric hospital” means a health facility having
36 a duly constituted governing body with overall administrative
37 and professional responsibility and an organized medical staff
38 that provides 24-hour inpatient care for mentally disordered,
39 incompetent, or other patients referred to in Division 5
40 (commencing with Section 5000) or Division 6 (commencing

1 with Section 6000) of the Welfare and Institutions Code,
2 including the following basic services: medical, nursing,
3 rehabilitative, pharmacy, and dietary services.

4 (c) “Skilled nursing facility” means a health facility that
5 provides skilled nursing care and supportive care to patients
6 whose primary need is for availability of skilled nursing care on
7 an extended basis.

8 (d) “Intermediate care facility” means a health facility that
9 provides inpatient care to ambulatory or nonambulatory patients
10 who have recurring need for skilled nursing supervision and need
11 supportive care, but who do not require availability of continuous
12 skilled nursing care.

13 (e) “Intermediate care facility/developmentally disabled
14 habilitative” means a facility with a capacity of 4 to 15 beds that
15 provides 24-hour personal care, habilitation, developmental, and
16 supportive health services to 15 or fewer developmentally
17 disabled persons who have intermittent recurring needs for
18 nursing services, but have been certified by a physician and
19 surgeon as not requiring availability of continuous skilled
20 nursing care.

21 (f) “Special hospital” means a health facility having a duly
22 constituted governing body with overall administrative and
23 professional responsibility and an organized medical or dental
24 staff that provides inpatient or outpatient care in dentistry or
25 maternity.

26 (g) “Intermediate care facility/developmentally disabled”
27 means a facility that provides 24-hour personal care, habilitation,
28 developmental, and supportive health services to
29 developmentally disabled clients whose primary need is for
30 developmental services and who have a recurring but intermittent
31 need for skilled nursing services.

32 (h) “Intermediate care facility/developmentally
33 disabled—nursing” means a facility with a capacity of 4 to 15
34 beds that provides 24-hour personal care, developmental
35 services, and nursing supervision for developmentally disabled
36 persons who have intermittent recurring needs for skilled nursing
37 care but have been certified by a physician and surgeon as not
38 requiring continuous skilled nursing care. The facility shall serve
39 medically fragile persons who have developmental disabilities or

1 demonstrate significant developmental delay that may lead to a
2 developmental disability if not treated.

3 (i) (1) “Congregate living health facility” means a residential
4 home with a capacity, except as provided in paragraph (4), of no
5 more than ~~six~~ 15 beds, that provides inpatient care, including the
6 following basic services: medical supervision, 24-hour skilled
7 nursing and supportive care, pharmacy, dietary, social,
8 recreational, and at least one type of service specified in
9 paragraph (2). The primary need of congregate living health
10 facility residents shall be for availability of skilled nursing care
11 on a recurring, intermittent, extended, or continuous basis. This
12 care is generally less intense than that provided in general acute
13 care hospitals but more intense than that provided in skilled
14 nursing facilities.

15 (2) Congregate living health facilities shall provide one of the
16 following services:

17 (A) Services for persons who are mentally alert, physically
18 disabled persons, who may be ventilator dependent.

19 (B) Services for persons who have a diagnosis of terminal
20 illness, a diagnosis of a life-threatening illness, or both. Terminal
21 illness means the individual has a life expectancy of six months
22 or less as stated in writing by his or her attending physician and
23 surgeon. A “life-threatening illness” means the individual has an
24 illness that can lead to a possibility of a termination of life within
25 five years or less as stated in writing by his or her attending
26 physician and surgeon.

27 (C) Services for persons who are catastrophically and severely
28 disabled. A catastrophically and severely disabled person means
29 a person whose origin of disability was acquired through trauma
30 or nondegenerative neurologic illness, for whom it has been
31 determined that active rehabilitation would be beneficial and to
32 whom these services are being provided. Services offered by a
33 congregate living health facility to a catastrophically disabled
34 person shall include, but not be limited to, speech, physical, and
35 occupational therapy.

36 (3) A congregate living health facility license shall specify
37 which of the types of persons described in paragraph (2) to whom
38 a facility is licensed to provide services.

1 (4) (A) A facility operated by a city and county for the
2 purposes of delivering services under this section may have a
3 capacity of 59 beds.

4 (B) A congregate living health facility not operated by a city
5 and county servicing persons who are terminally ill, persons who
6 have been diagnosed with a life-threatening illness, or both, that
7 is located in a county with a population of 500,000 or more
8 persons may have not more than 25 beds for the purpose of
9 serving terminally ill persons.

10 (C) A congregate living health facility not operated by a city
11 and county serving persons who are catastrophically and severely
12 disabled, as defined in subparagraph (C) of paragraph (2) that is
13 located in a county of 500,000 or more persons may have not
14 more than 12 beds for the purpose of serving catastrophically and
15 severely disabled persons.

16 (5) A congregate living health facility shall have a
17 noninstitutional, homelike environment.

18 (j) (1) “Correctional treatment center” means a health facility
19 operated by the Department of Corrections, the Department of
20 the Youth Authority, or a county, city, or city and county law
21 enforcement agency that, as determined by the state department,
22 provides inpatient health services to that portion of the inmate
23 population who do not require a general acute care level of basic
24 services. This definition shall not apply to those areas of a law
25 enforcement facility that houses inmates or wards that may be
26 receiving outpatient services and are housed separately for
27 reasons of improved access to health care, security, and
28 protection. The health services provided by a correctional
29 treatment center shall include, but are not limited to, all of the
30 following basic services: physician and surgeon, psychiatrist,
31 psychologist, nursing, pharmacy, and dietary. A correctional
32 treatment center may provide the following services: laboratory,
33 radiology, perinatal, and any other services approved by the state
34 department.

35 (2) Outpatient surgical care with anesthesia may be provided,
36 if the correctional treatment center meets the same requirements
37 as a surgical clinic licensed pursuant to Section 1204, with the
38 exception of the requirement that patients remain less than 24
39 hours.

1 (3) Correctional treatment centers shall maintain written
2 service agreements with general acute care hospitals to provide
3 for those inmate physical health needs that cannot be met by the
4 correctional treatment center.

5 (4) Physician and surgeon services shall be readily available in
6 a correctional treatment center on a 24-hour basis.

7 (5) It is not the intent of the Legislature to have a correctional
8 treatment center supplant the general acute care hospitals at the
9 California Medical Facility, the California Men's Colony, and
10 the California Institution for Men. This subdivision shall not be
11 construed to prohibit the California Department of Corrections
12 from obtaining a correctional treatment center license at these
13 sites.

14 (k) "Nursing facility" means a health facility licensed pursuant
15 to this chapter that is certified to participate as a provider of care
16 either as a skilled nursing facility in the federal Medicare
17 program under Title XVIII of the federal Social Security Act or
18 as a nursing facility in the federal medicaid program under Title
19 XIX of the federal Social Security Act, or as both.

20 (l) Regulations defining a correctional treatment center
21 described in subdivision (j) that is operated by a county, city, or
22 city and county, the Department of Corrections, or the
23 Department of the Youth Authority, shall not become effective
24 prior to, or if effective, shall be inoperative until January 1, 1996,
25 and until that time these correctional facilities are exempt from
26 any licensing requirements.